

Atty. Dkt. No. 035451-0130 (3632.Palm)

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 14, and 20 are currently being amended. No new matter is added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 are now pending in this application.

Specification

In section 2 of the Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner indicated lack of antecedent basis in claims 1, 14, and 20 for the limitation in the claim "when no charge is being provided to the battery." Applicants respectfully submit that independent claims 1, 14, and 20 have all been amended to clarify that "the low level being a level at which the battery is unable to power the transceiver when the charge is below the low level." Applicants further respectfully submit that the Specification supports such a limitation, for example, Applicants' Specification at paragraphs [0024] – [0026]. Accordingly, Applicants respectfully request the withdrawal of the objection to the Specification.

Claim Rejections – 35 U.S.C. § 103

In section 3 of the Office Action, the Examiner rejected claims 1, 3, and 14-16 under 35 U.S.C. § 103 as being unpatentable over Miller (U.S. Patent No. 5,949,216) in view of Soini et al. (U.S. Patent Application Publication No. 2002/0193152) and George et al. (U.S. Patent No. 4,684,870).

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The Examiner states that as to claim 1, "Miller differs from claim 1 of the present invention in that it does not explicitly disclose the transceiver configured to send and receive data while the battery charge is below the low level, the battery is unable to power the transceiver when the charge is below the low level and no charge is being provided to the battery." Further, the Examiner indicates that Soini et al. teaches that the transceiver may be operated when the battery charge drops below a pre-set limit. However, the telephone transceiver is powered off when the charge drops below a second pre-set limit value. Accordingly, what is not taught by Soini et al. is that "the transceiver configured to send and receive data while the battery charge is below the low level and the recharger provides charge to the rechargeable battery and the transceiver" (Claims 1 and 14) and the low level is a level at which the transceiver is unable to operate when the charge is below the low level.

The Examiner goes on to indicate that George et al. teaches an apparatus for recharging a rechargeable battery in a hand held transceiver while maintaining communication capability through the transceiver (abstract and column 1, lines 40-67). Applicants respectfully submit that George et al. does not disclose, teach, or suggest a handheld computer system which has the function of a radio frequency transceiver built into the handheld computer and which includes circuitry such that the transceiver is configured to send and receive data while the battery charge is below the low level and the recharger provides charge to the rechargeable battery. What is taught and disclosed in George et al. is significantly different than a handheld computer system. First of all, the subject matter of George et al. is for a push to talk radio having a rechargeable battery. In order to charge the battery and have the transceiver used, RF amp 56 provides RF amplification to the transceiver during charging. In order to use the transceiver during charging, the recharger of George et al. requires an RF amplification circuit and a mode switch. Applicants respectfully submit that the charger claimed by Applicants does not require an additional RF amplifier and mode switch in order to send data over the radio frequency transceiver while the battery is being charged and the present charge is below the low level. Accordingly, Applicants respectfully submit that the addition of George et al. to the combination of Miller and Soini et al. does not disclose, teach, or suggest all of the claim limitations recited in

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independent claims 1, 14, and 20. Therefore, Applicants respectfully submit that independent claims 1, 14 and 20 are not rendered obvious by the combination of Miller, Soini et al., and George et al. Therefore, Applicants respectfully request that independent claims 1, 14, and 20 and their respective dependent claims be allowed.

In section 4 of the Office Action, the Examiner rejected claims 2, 4, 5, and 6 under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Soini et al. and George et al. as applied to claim 1 and further in view of Hazzard et al. Applicants respectfully submit that as indicated above with regard to independent claim 1, Applicants believe that independent claim 1 is allowable. Thus, for at least the same reasons, Applicants believe that claims 2, 4, 5, and 6 are also allowable. Applicants respectfully request the rejection of claims 2, 4, 5, and 6 be withdrawn.

In section 5 of the Office Action, the Examiner rejected claims 7-13 under 35 U.S.C. § 103(a) as being unpatentable over Soini et al. in view of Janik et al. and George et al. Applicants respectfully submit that neither Soini et al. nor Janik et al. discloses, teaches, or suggests that the recharger provides power from the recharger to the transceiver of the handheld computer and the battery while the handheld computer is coupled to the recharger and the RF link is established using a transceiver when the battery has a relatively low charge and the handheld computer is coupled to the recharger. Further, George et al. does not disclose, teach, or suggest transmitting data over radio frequency link from a handheld computer having a low battery charge. No handheld computer is disclosed or taught in George et al. and thus there is no motivation to combine George et al. with the teachings of Soini et al. and Janik et al. Accordingly, Applicants respectfully submit that no combination of Soini et al., Janik et al., and George et al. provides all of the limitations recited in independent claim 7. Therefore, Applicants respectfully submit that independent claim 7 and its respective dependent claims are allowable.

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Applicants believe that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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